



17611 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
Of this Application:
Class _____ Subclass _____

Prior Application:
Exam'r: **Jezia Riley**
Prior Group Art Unit: **1637**

Attorney's
Docket No.:
Enz-61(D5)

FILED BY EXPRESS MAIL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

31355 U.S. PTO
10/763088



Sir:

This is a request for filing a _____ CONTINUATION _____ X DIVISIONAL _____
CONTINUATION-IN-PART application under _____ X 37 CFR §1.53(b), of
pending prior application Serial No. 10/096,075 filed on March 12, 2002
of Stavrianopoulos et al.
Inventor(s)

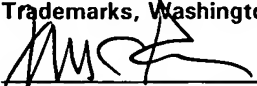
for

LABELING REAGENTS AND LABELED TARGETS, TARGET LABELING PROCESSES AND OTHER PROCESSES FOR USING SAME IN NUCLEIC ACID DETERMINATIONS AND ANALYSES

Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and
an affidavit or declaration verifying it as a true copy.
2. X Small entity status was previously established in a prior
application and is still applicable.

EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. EL833441824US
Deposit Date January 22, 2004
I hereby certify that this paper and the attachments
herein are being deposited with the United States Postal
Service "Express Mail Post Office to Addressee" service
under 37 CFR 1.10 on the date indicated above and is
addressed to the Commissioner of Patents and
Trademarks, Washington DC 20231.

R nald C. Fedus
Reg. N . 32,567

JAN 22 2004
Dat

Stavrianopoulos, et al.

Serial No.: Not Yet Known

(Divisional of S. N. 10/096,075 filed March 12, 2002)

Filed: Herewith

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January 22, 2004)

3. X The filing fee is calculated as follows:

| CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT | | | | | | | | | |
|--|-----------------|---|-----------------|---|-----------------|-----------------|---|-----------------|-----------------|
| | | | | | RATE | | | FEE | |
| | Number Filed | | Number Extra | | Small Entity | Other Entity | | Small Entity | Other Entity |
| Total Claims | 17 | = | 0 | x | \$ 9 | \$ N/A | = | \$ --- | \$ --- |
| Independent Claims | 2 | = | 0 | x | \$ 43 | \$ N/A | = | \$ --- | \$ --- |
| Multiple Dependent Claims Presented: _____ Yes <u> X </u> No | | | | | \$135 | \$270 | | \$ --- | \$ --- |
| * If the difference in Col. 1 is less than zero, enter "0" in Col.2 | | | | | | BASIC FEE | | \$385 | \$ --- |
| | | | | | | TOTAL FEE | | \$385 | \$ --- |

4. X The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.

 X Any additional filing fees required under 37 CFR §1.16.

 X Any patent application processing fees under 37 CFR §1.17.

5. X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.

 X Any patent application processing fees under 37 CFR §1.17.

 The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).

Stavrianopoulos, et al.

Serial No.: Not Yet Known

(Divisional of S. N. 10/096,075 filed March 12, 2002)

Filed: Herewith

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January 22, 2004)

_____ Any filing fees under 37 CFR §1.16 for
presentation of extra claims.

6. _____ A check in the amount of \$ _____ is enclosed.
7. X Cancel claim 2-286 .
8. X Amend the specification by inserting before the first line of the
sentence: --- This is a _____ continuation, X divisional
of U.S. Patent Application Serial No. 10/096,075, filed on
March 12, 2002.---
9. _____ Transfer the drawings from the prior application.
10. X Informal X Formal _____ drawings are enclosed.
11. _____ Abandon said prior application as of the filing date accorded this
application. A **duplicate** copy of this sheet is enclosed for filing
in the prior application file.
12. _____ Priority of application Serial No. _____ filed on
_____ is claimed under 35 U.S.C. §119.
_____ The certified copy of the priority application has
been filed in prior application Serial No. _____ ,
filed _____.
13. X The prior application is assigned of record to Enzo Life Sciences,
Inc., c/o Enzo Biochem, Inc., 527 Madison Avenue, New York,
New York 10022. A copy of the Assignment is enclosed.
14. X A preliminary amendment is enclosed.

Stavrianopoulos, et al.

Serial No.: Not Yet Known

(Divisional of S. N. 10/096,075 filed March 12, 2002)

Filed: Herewith

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January 22, 2004)

15. X The power of attorney in the prior application is to:
Ronald C. Fedus, Reg. No. 32,567.
- (a) X The power appears in the original papers in the
prior application.
- (b) Since the power does not appear in the original
papers, a copy of the power in the prior application
is enclosed.
- (c) A copy of a new substitute power of attorney is
enclosed.
- (d) X A copy of a new Associate Power of Attorney is
enclosed.
- (e) X Address all future communications to: (May only
be completed by applicant, or attorney or agent of
record.)

Ronald C. Fedus, Esq.
Enzo Life Sciences, Inc.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Floor)
New York, New York 10022-4304

16. X Oath or Declaration
- (a) Newly executed (original or copy)
- (b) X Copy from a prior application (37 CFR 1.63(d))
- (c) X With Power of Attorney
- (D) Without Power of Attorney

Stavrianopoulos, et al.

Serial No.: Not Yet Known

(Divisional of S. N. 10/096,075 filed March 12, 2002)

Filed: Herewith

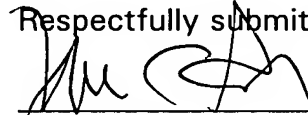
Page: 5 (Request for a Divisional Application Under 37 C.F.R. §1.53(b) -
January 22, 2004)

17. X I hereby verify that the attached papers are a true copy of prior
application Serial No. 10/096,075, filed on March 12, 2002.

The undersigned declares further that all statements made herein of his own
knowledge are true and that all statements made on information and belief are
believed to be true; and further that these statements were made with the
knowledge that willful false statements and the like so made are punishable by fine
or imprisonment, or both, under Section 1001 of Title 18 of the United States Code
and that such willful false statements may jeopardize the validity of the application
or any patent issuing thereon.

January 22, 2004
Date

Respectfully submitted,



Ronald C. Fedus

Registration No. 32,567

Attorney for Applicants

 Inventor(s)

 Assignee of Complete Interest

 X Attorney or Agent of Record

 X Filed under 37 CFR § 1.34(a)

Address of Signator:

Enzo Life Sciences, Inc.

c/o Enzo Biochem, Inc.

527 Madison Avenue (9th Floor)

New York, NY 10022-4304

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

Docket Number (Optional)
EN2-61

Applicant, Patentee, or Identifier: Jannis G. Stavrianopoulos et al.
Application or Patent No.: 10/096,075
Filed or Issued: March 12, 2002
Title: LABELING REAGENTS AND LABELED TARGETS, TARGET LABELING PROCESSES FOR USING SAME IN
NUCLEIC ACID DETERMINATIONS AND ANALYSES

I hereby state that I am

- ☐ the owner of the small business concern identified below.
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN Enzo Life Sciences, Inc.

ADDRESS OF SMALL BUSINESS CONCERN c/o Enzo Biochem, Inc.
527 Madison Avenue, 9th Floor, NY NY 10022

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

- Each person, concern, or organization having any rights in the invention is listed below:
☐ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Barry W. Weiner

TITLE OF PERSON IF OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING Enzo Life Sciences, Inc.
c/o Enzo Biochem, Inc., 527 Madison Ave., 9th Fl, NY NY 10022

SIGNATURE [Signature] DATE February 3, 2003